

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

In re	§	
	§	
EPTMS, INC.,	§	Case No. 17-31729-HCM-11
	§	
Debtor.	§	

MOTION (OR NOTICE) TO REJECT UNEXPIRED LEASE

TO THE HONORABLE H. CHRISTOPHER MOTT, UNITED STATES BANKRUPTCY JUDGE:

This pleading requests relief that may be adverse to your interests.

If no timely response is filed within twenty-one (21) days from the date of service, the relief requested herein may be granted without a hearing being held.

A timely response is necessary for a hearing to be held.

Now comes the Debtor-in-Possession EPTMS, INC. and through its counsel E.P. BUD KIRK files this Motion (or Notice) to Reject the Unexpired Lease of non-residential real property which it has with MIMCO, INC. for the premises known as 9100 Dyer in El Paso, Texas, and for cause would show:

1.

Petition date in these Chapter 11 proceedings is October 25, 2017. The Debtor leases a shopping center property at 9100 Dyer, El Paso, Texas from the lessor MIMCO, INC. The lease (hereinafter "the Lease") has not expired.

2.

EPTMS, INC. wishes to reject the Lease because it is burdensome to this estate. EPTMS, INC. has moved out of the store on February 14, 2018 and has no plans to return to the premises.

WHEREFORE, PREMISES CONSIDERED, EPTMS, INC. prays that the rejection of this Lease be approved. Further Debtor prays for all other relief deserved in the circumstances,

general or special, at law or equity.

Respectfully submitted this 16th day of February, 2018.



/s/

E.P. BUD KIRK
State Bar No. 11508650
600 Sunland Park Dr.
Building Four, Suite 400
El Paso, TX 79912
(915) 584-3773
(915) 581-3452 facsimile
budkirk@aol.com

Attorney for Debtor-in-Possession

CERTIFICATE OF SERVICE

I do hereby certify that on the 16th day of February, 2018, I did cause a copy of the foregoing Motion (or Notice) to Reject Unexpired Lease to be mailed or delivered to U.S. Trustee, P.O. Box 1539, San Antonio, TX 78205-1539; to EPTMS, INC., 9813 Dyer, Suite 300, El Paso, TX 79924; to Jay W. Hurst, Assistant Attorney General, Bankruptcy & Collections Division MC 008, P.O. Box 12548, Austin, TX 78711-2548; to Corsicana Mattress, c/o Shad Robinson, 100 N. Ritchie Road, Ste. 200, Waco, TX 76712-8544; to WRI North Towne, LLC, c/o Weingarten Realty Investors, 2600 Citadel Plaza Dr., Ste. 125, Houston, TX 77008; to Richard Rosen, Inc., c/o Mounce, Green, Myers, Safi, Paxson, & Galatzan, P.O. Drawer 1977, El Paso, TX 79999; to City of El Paso, c/o Don Stecker, 711 Navarro Street, Ste. 300, San Antonio, TX 78205; to Kingsdown, Inc., c/o Harrel L. Davis, P.O. Box 1322, El Paso, TX 79947-1322; to Mimco, Inc., c/o Herbert Ehrlich, 444 Executive Center Blvd., Ste. 240, El Paso, TX 79902; to Rapid Capital Funding, c/o Corey W. Haugland, James & Haugland, P.C., P.O. Box 1770, El Paso, TX 79949-1770; to Gilbert Malooly, c/o James W. Brewer, P.O. Drawer 2800, El Paso, TX 79999; to Pearl Delta Funding, LLC, c/o Christopher R. Murray, 909 Fannin, Ste. 3700, Houston, TX 77010; and to MIMCO, Inc., 6500 Montana, El Paso, TX 79925.



/s/

E.P. BUD KIRK